

REVISED STATUTES

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THE STATE OF DELAWARE,

TO THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND FIFTY-TWO, INCLUSIVE:

TO WHICH ARE ADDED, THE

CONSTITUTIONS OF THE UNITED STATES AND OF THIS STATE:

THE DECLARATION OF INDEPENDENCE:

AND

AN APPENDIX;

&c. &c.



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TITLE TENTH.

Of Corporations.

- CHAPTER 70. General provisions respecting corporations.
71. Of banks.
72. Of canals, railroads, turnpikes, and toll bridges.
73. Of the city of Wilmington.

CHAPTER 70.

GENERAL PROVISIONS RESPECTING CORPORATIONS.

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| <p>Sec. 1. General corporate powers.
2. Powers continued.
3. Mode of organizing.
4. All charters extended three years for closing.
5. Bonds of corporate officers to be taken every six years.
6. Mode of suing corporations.
7. Service of process; and of rules.
8. Service of process on officers out of the State.
9. Notice of motions; rules, &c.; service.
10. Franchise of toll may be sold for debt.
11. Notice of sale.
12. Mode of sale; return; title; proviso.</p> | <p>Sec. 11. May be attached on mesne process.
12. Distress for damages recovered.
13. Stock held in a corporation may be attached for debt.
14. Notice of sale of such stock.
15. Copy of the process to be left with the company.
16. Company shall certify the shares held.
17. Transfers after attachment void.
18. Copy of return of sale transfers the title.
19. No order of sale shall be made before judgment.
20. Application of proceeds of sales.
21. Where proceedings may be had.</p> |
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SEC. 1. All corporations shall, where no other provision is specially made, be capable in their corporate name to sue and be sued, appear, prosecute and defend to final judgment and execution, in all courts, or elsewhere; to have a common seal which they may alter at pleasure; to elect necessary officers, and define their duty and compensation; to make by-laws, consistent with the laws of the State, for their own government and the management of their property, to hold property, real and personal, for the purposes of their incorporation, and to convey the same.

1241
General corporate powers.

SEC. 2. They may, if no other provision is specially made, determine by their by-laws how meetings shall be called and conducted; how many shall be a quorum; the number of shares that shall entitle the members to one or more votes; the mode of voting by proxy; when and how shares shall be sold for non-payment of assessments, and may annex suitable penalties to such by-laws, not exceeding, in any case, twenty-five dollars, for any one offence.

1242
Powers.

SEC. 3. If not otherwise provided, the first meeting shall be called by one or more of the persons named in the act of incorporation, of the time, place and purposes of which meeting ten days' notice shall be given in a newspaper of the State; or in case of religious societies, by advertisement at the front door of their usual place of worship.

1243
Organization.

SEC. 4. All corporations whose charters shall expire, or be annulled, shall nevertheless continue for three years thereafter, to enable them to close their concerns, and for all other purposes, except the continuance of the business, or purpose, for which they were created.

1244
Time for closing concerns.

mule, and rider, 1 cent; a two wheel carriage and one horse, 1½ cents—with two horses, 2 cents; four wheel carriages, with two horses, 3 cents—with four horses, 5 cents; burden carriages, with wheels not exceeding four inches broad, 1 cent for each ox, or horse, attached; with wheels between four and seven inches wide, three-fourths of a cent for every ox, or horse, attached; with wheels between seven and ten inches wide, or being seven inches broad, shall roll more than ten inches, one-half cent for each ox, or horse, attached; and with wheels more than ten inches wide, or being ten inches shall roll more than fifteen inches, one-fourth of a cent for each horse, or ox, drawing the same.

7. *The Seaford Bridge*—

1316

This bridge was built by the "Seaford Bridge Company," under the act of 1832; and was sold under the act of 1843, to Hugh Martin. Width 15 feet; draw 30 feet. Tolls: for a horse and rider 6¼ Tolls. foot passengers, 2 cents; horse and two wheel pleasure carriage, 12½ cents; four wheeled stage, or pleasure carriage, 31 cents; one horse cart, loaded, 12 cents; empty, 6 cents; wagon, with two horses, loaded, 18½ cents; not loaded, 10 cents; wagon, with four horses, loaded, 37½ cents; not loaded, 18¾ cents; loaded cart, with two or three horses, or oxen, 12½ cents; not loaded, 6 cents; sled or sleigh, loaded, 10 cents; not loaded, 6 cents; for driven or led horses, mules, or cattle, each 3 cents; for each sheep, or hog, 1 cent. Penalties. Penalty for demanding illegal toll, not exceeding ten dollars. Penalty for injuring the bridge, twenty dollars, and all damages done. Penalty for not attending the draw, ten dollars, for each fifteen minutes detention.

CHAPTER 73.

OF THE CITY OF WILMINGTON.

- SEC. 1. City limits.
 2. Name; powers.
 3. Officers; qualifications; oaths.
 6. Bonds of treasurer and collector.
 7. Duty of constable, &c.
 8. Duty of assessors.
 9. Salaries; fees, &c.
 10. Penalty for not serving.
 11. Vacancies, how filled.
 12. Omission, no forfeiture.
 13. City divided into wards.
 14. Elections; time; place; manner.
 15. Electors' qualifications.
 16. Officers to be elected.
 17. Vacancies, how filled.
 19. Oaths; counting votes; returns.
 20. Inspector's casting vote.
 21. Canvass; tie vote.
 22. Ballots to be kept; penalty.
 23. Mode of contesting elections.
 24. Penalty for frauds at election.
 25. City council; members; term.

- SEC. 26. To meet monthly; duties.
 27. Powers; health; nuisances.
 Regulation of streets, &c. &c.
 28. Mayor's duty; powers; fees.
 29. In acknowledging deeds.
 30. In solemnizing marriages.
 31. Mayor and alderman, peace officers.
 32. Seal of office.
 33. Officers, how removed.
 34. Mayor's Court held quarterly.
 35. Powers; duties.
 36. Prosecution by information.
 37. Public prosecutor.
 38. Clerk of the council.
 39. Witness fees, &c.
 40. Appeal from Mayor's Court.
 Certiorari; security.
 41. Removal of cases concerning real property.
 42. Security in such case.
 43. Seal of Mayor's Court.
 44. Expenses; how borne.

<p>Sec. 45. Fiscal matters to be published. City debt; sinking fund; receipts; payments. 46. Estimates of revenue, &c. 47. Donations to fire companies. 48. No payments without appropriation. 49. Appropriations to be published. 50. Record of votes on loans. 51. Funded debt limited. Personal liability; proviso. 52. Sinking fund. 53. Board of assessors. 54. Assessments. 55. Revision; publication; appeals. 56. Levy of taxes; publication. 57. Collectors; duplicates. 58. Powers in collection of taxes. 59. Paying over taxes. 60. No exemptions. 61. City map; to be recorded. 62. Street marks; penalty for removing 63. Streets; how extended. 64. Damages; how assessed. 65. Regulation of streets. 66. Paving; charges. 67. Side walks, &c. 68. How made. 69. Charges, how collected. 70. Paving certificates. 71. Conduits, &c.</p>	<p>Sec. 72. Ordinances regulating grades 73. Lighting streets. 74. Regulating party walls. 75. Penalty for not obeying. 76. Partition fences. 77. Public pumps; repairs. 78. Abatement of nuisances. 79. Registry of deaths, &c. 80. Mortality reports. 81. Burial certificates required. 82. Council to prescribe forms. 83. Board of education. 84. Members' qualification; oath. 86. Term; rotation; vacancies 87. Election of board. 88. How held; judges; oath. 89. Electors' qualification. 90. Returns; how made. 91. Penalty for illegal voting. 92. Powers of board. 93. Limits. 94. Publication of reports. 95. Estimates for school tax. 96. Dividends of school fund. 97. Union with district No. 9. 98. Present offices abolished. 99. Fines; how collected. 100. Construction of this chapter. 101. Repeal; exceptions; proviso. 102. Acceptance of charter.</p>
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Limits and corporate powers.

1317
Limits.

SEC. 1. The city of Wilmington shall be bounded as follows, viz: Beginning at the mouth of the Brandywine creek, on the easterly side of the same; thence along the eastern and north-eastern side thereof, about two miles and a half, to the old ford above the head of the tide-water, thence crossing the Brandywine westwardly and passing along the old King's road, according to the several courses thereof, to the present State road leading from Wilmington to Lancaster, thence in a direct line south-easterly, passing over the mouth of the rivulet called Stalcup's gut, to the opposite side of the Christiana river, thence down that side of the same to the river Delaware, thence crossing to the northern point of the Christiana at its mouth, thence up that side to the place of beginning.

1318
Name.

Powers.

SEC. 2. The style and name of the corporation of the said city shall be "The Mayor and Council of Wilmington;" and by that name they shall be, and are hereby, made able and capable, in law, to have, take, purchase, receive, possess, enjoy, and retain, to them and their successors, lands, tenements, hereditaments, goods, chattels, and effects, of what kind, nature, or quality, soever, and the same to sell, grant, demise, alien, or dispose of, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity, or any other place whatsoever; and also to make, have, and use a common seal, and the same to break, alter, and renew at their pleasure, and generally to have all the privileges and franchises incident to a corporation, or body politic.

General provisions respecting officers.

1319
Officers.

SEC. 3. There shall be two executive officers, called mayor, and alderman, fifteen members of council, one high constable, one treasurer, one assessor for each ward, who shall also be the collector

viction thereof in the Court of General Sessions of the Peace and Jail Delivery in and for New Castle county, forfeit and pay to the State a fine of two hundred dollars. If any person, not entitled to vote at any such election, shall vote at any such election; or if any person shall vote, or offer to vote, more than once at any such election; or if any person shall vote in a ward in which he has not resided for thirty days next preceding such election; or if any person shall influence, or attempt to influence any voter in giving his vote by any reward, gift, or benefit, or promise of favor or advantage; every such person shall, for every such offence, upon conviction thereof as aforesaid, forfeit and pay to the State a fine of fifty dollars.

For illegal voting.

The City Council.

SEC. 25. The city council shall consist of fifteen members, to be elected for three years in the several wards, so that there shall be three members of council from each ward. The members of council, now in office, shall hold for the terms for which they were respectively elected; and the present rotation and arrangement of members shall continue, so that five members of council shall be chosen annually in regular order, besides supplying vacancies. A member, elected to fill a vacancy, shall hold for the residue of the term of the member whose place he supplies.

1341
Members.
Term.

SEC. 26. The council shall meet at least once in every month, at such time, or times, and place, as it shall appoint. Special meetings may be called by the mayor, upon his own motion, or shall be called at the request of five members. The sittings of the council shall be public; it shall be the judge of the election returns, and qualifications of its members, and of all other officers of the corporation. It shall choose its president and other officers, determine the rules of its proceedings, and keep a journal of the same. Ten members shall constitute a quorum to do all business, provided that no ordinance shall be passed without the concurrence of a majority of all the members of the council, and unless it shall have had at least two readings at a previous stated meeting, or meetings; nor shall any ordinance be repealed, unless notice shall have been given and entered on the journal of the council at a stated meeting, that at the next succeeding stated meeting an ordinance would be introduced for such repeal. All questions shall, upon the call of two members, be taken by ayes and noes, which shall be entered upon the journal. All elections for officers, to be appointed by the same, shall be by ballot, and by a majority of votes of members of the council.

1342
Meetings.

President.
Rules.
Journal.
Quorum.

Restrictions

Ayes and noes.

Ballot.

SEC. 27. The members of council shall constitute the legislative body of said city, and shall be denominated, when assembled, the city council. The city council shall have power to enact ordinances to preserve the health of the city, and to prevent the introduction of infectious, or contagious diseases (for which purpose its jurisdiction shall extend to any distance within one mile of the limits of the city), and in such ordinances may organize a board of health for said city, which board shall be invested with all the powers and authorities which the council might, or could exercise relative to the

1343
Powers of council.

Board of health.

object of their institution. Of this board, or of the city council, when sitting as a board of health, the health officer of the city shall always be a member, but shall enjoy no other right in the decision of any case that may come before said board, or council, than any other member thereof. The city council may also pass ordinances to define and remove nuisances; to ascertain and fix the boundaries of streets, squares, lanes, and alleys; or to repair and amend the same, and provide for the paving thereof; or to alter, extend, or widen, any street, square, lane, or alley, or open and lay out new ones, subject to the provisions in that behalf hereinafter contained; to regulate and fix the ascents and descents of all streets, lanes, and alleys; to direct the paving of footways, and to prescribe the width thereof; to direct the laying out of gutters, and to prescribe the depth thereof; to prescribe the extent of steps, porches, cellar doors, and other inlets to buildings; to provide night watches, and for the lighting of streets, at the expense of the corporation; for the regulation of auctions and auctioneers; for cleaning docks and regulating wharves; also to regulate public amusements; to fix and declare the weight of bread, and size of brick; to regulate the cordage of wood and bark, and to determine what may be esteemed merchantable; to appoint wood corders and establish their fees; to regulate party walls; to erect market houses, and regulate the markets; to regulate the sweeping of chimnies, and establish the rates; to purchase, or erect pumps, or any other apparatus for supplying the citizens with good and wholesome water; to repair and amend the same, and to assess and receive a tax therefor; to appoint gaugers, inspectors of salted provisions, and inspectors and measurers of lumber, and to establish their fees; to provide for the weighing of hay, and for the measuring, or weighing, of coal, lime, grain, or any other matter sold in the said city; to regulate the storage of gunpowder, or any other dangerously combustible matter. They shall have power to lay and collect fines on the owners, or harborers, of any dog, or hog, which may be found at large in any of the streets, lanes, or alleys, of the city aforesaid. They shall have the power to appoint and commission constables who shall possess like powers, within the said city, as are possessed by the constables of the aforesaid county of New Castle, and in general shall have power to do all those matters and things, for the well being of the said city, which shall not be in contravention of any existing laws of this State, or the constitution thereof.

Mayor and Alderman.

1344
Mayor's
duty.

SEC. 28. It shall be the duty of the mayor to take care to have the laws and ordinances of the said city faithfully executed. He shall have custody of the seal of the corporation, and the right of affixing the same.

1345
He may take
acknowledgment of
deeds.

SEC. 29. The mayor shall have power to take and certify, under his hand and seal of office, the acknowledgment of deeds, and letters of attorney, and the private examination of married women, parties to such deeds, in like manner as a judge, or notary public,